

**AMENDMENTS TO THE DRAWINGS:**

Attached hereto is one (1) sheet of corrected drawings. The sheet is identified as "Replacement Sheet" as required by 37 C.F.R. 1.121(d). Figure 8 has been corrected to include reference number 404 as required by the Examiner. No new matter has been added.

## **REMARKS**

Claims 1-4, 6-18, and 20-34 are pending in the application following entry of the amendments herein. Claims 5 and 19 have been canceled. Claims 9 and 24 have been amended because the term “sequence” was inadvertently omitted in a spot where it was intended to recite the scene sequence rather than a scene. Claim 23 has been amended to address an objection by the Examiner, and to more distinctly claim the invention.

The Examiner objected to the specification for certain formalities. The specification has been amended as required by the Examiner.

The Examiner objected to the drawings, and required that corrected drawings be submitted with a response. A sheet of corrected drawings is attached. No new matter has been added.

## **ARGUMENTS**

### **1. Claims 5 and 19 are rejected under 35 U.S.C. 112 as being indefinite.**

Claims 5 and 19 have been canceled.

### **2. Claims 1-3, 9-10, 24, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,465,384 (Bejan).**

Claim 1 includes the following two steps that are not disclosed or suggested by Bejan:

(g) for selected decisions made prior to a linking scene, producing one or more sets of variation scenes that introduce content that appears to be related to the consequence of the particular decision made, each set of variation scenes being associated with a scene that is viewable after the linking scene; and

(h) when the viewer is brought to a scene sequence that contains a set of variation scenes, interspersing into the scene sequence the variation scene from the set that is related to the particular decision made.

Steps (a) to (f) of Claim 1 define the known use of linking scenes to return the interactive viewer to the storyline regardless of the decisions he makes and the scene sequences he views prior to a linking scene. This known technique is disclosed in the Best patents that are identified at page 2 of this application. Bejan later disclosed the same steps. In fact, both Best patents were cited as prior art in Bejan. When linking scenes were used in this manner, they were “neutral” scenes in the sense that the content of the linking scene could not depend upon the prior decisions. Bejan provided an improvement in that the linking scene, and scenes after the link, can vary to a limited extent that is dependant upon prior decisions, but it does not do so by the steps recited as steps (g) and (h) of claim 1.

Bejan discloses a process for using polling input during a “multi-perspective act” to allow the audience majority to choose a character in the act, and then to view the act from the character’s perspective. If the audience polling indicates a change of the majority to wanting to view the act from a different character’s perspective, the video can change to a different track in order to display the act from that character’s perspective. In practical terms, this requires filming the multi-perspective act from a camera perspective roughly aligned with each character who can be selected. Using the 3-character example in Bejan, the same multi-perspective act would be shot from three different cameras, and each camera would produce a track for the videodisk. (See column 7, lines 25 to 56 of Bejan)

Following the multi-perspective act, the video moves into a branching act in which the audience is no longer permitted to change view perspective. While this requires the branching act to have been filmed by the same three cameras, only the track recorded by one camera will be displayed – the audience cannot switch tracks during this act. At the end of the branching act, the audience is polled for a decision on which of several different story plots to view. (See column 8, lines 39 to 49 of Bejan).

From that point on, the story line can pass along alternate plot branches, and link back at intersection scenes to keep the number of plot branches from cascading, as described in the Best references. The only thing that Bejan requires over Best is that each plot branch be recorded from three cameras, one for each selectable character perspective. (See Figure 3 of Bejan.)

Bejan then describes a method of reducing video storage requirements by indexing portions of the camera tracks that can be used in more than one scene. The example is a scene of a character walking a hallway. The same scene can be inserted into a different plot branch if it does not change the character perspective selected by the audience. (See column 10, lines 12 to 21).

Thus, while the Bejan method allows the selection of a character perspective from which to view the acts or scenes which follow that decision point, it does not allow the subsequent scenes to be modified in character narrative, character emotional display or character interpersonal relationships with other characters to reflect the consequences of past decisions. The steps of (g) and (h) of claim 1, however, do allow modification of linking scenes, and of

scenes after the linking scene, with content that appears to be related to the consequences of a character's earlier decisions.

The claimed method involves the use of sets of variation scenes. In the variation scenes, the same acting is not merely shot from different cameras to permit viewing from the apparent perspective of different characters. Instead, the variation scenes are similar but different scenes, which may have different narrative and may express different emotions and different interpersonal interaction between the actors. The common denominator, however, is that each variation scene can be appropriate to the scene sequence into which it is inserted, and still introduce content that appears to be caused by one or more the decisions made prior to the linking scene.

Dependant Claim 2 expresses this difference from Bejan even more clearly, by the further step of producing the variation scenes in a set with essentially the same characters and props, such that the variation scenes in a set differ from each other by the dialog and expression of at least one character. Unlike Began's filming the same dialog and expression from multiple cameras, this step explicitly changes the dialog and expression of at least one character in the variation scenes.

Claim 3 is dependant upon Claim 1 and differs from Bejan for the same reasons. Two or more interactive viewers can make independent decisions that can then impact narrative flow and character development cumulatively in scenes which are encountered beyond the subsequent linking scenes. An example might be two interactive viewers, one taking the role of a man and the other the role of a woman in a romantic storyline. Depending on the individual choices made

by the interactive viewers, character interaction between them could evolve in different ways and at different times. In Bejan, the audience as a whole makes the decision based upon a polling majority, and no one person experiences the apparent consequence of his or her decisions.

Independent Claim 9 is for an interactive entertainment system and is currently amended to more clearly describe that the variation scenes are associated with scene sequences after the linking scene. Bejan does not disclose or suggest a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene. Bejan merely records the same scenes from multiple cameras, each located to mimic the prospective of a character.

Dependant Claim 10 defines over Bejan for the same reason, and by the additional element of software for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence a variation scene from the set that is related to the particular decision made prior to the linking scene.

Bejan does not address this issue at all. His mention of minimizing the storage space by having common portions of scenes placed on the videodisk for use in more than one scene is not the same concept as interspersing, from a set of variation scenes, a variation scene that is appropriate to introduce content related to a character's earlier decisions.

Independent Claim 24 is for an interactive entertainment in electronic format, and is currently amended to more clearly describe that the variation scenes are associated with scene sequences after the linking scene. Bejan does not disclose or suggest a system having one or

more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene.

Independent Claim 30 is for an interactive entertainment in an electronic format, and is currently amended to more clearly describe that the variation scenes are associated with scene sequences after the linking scene. As described above, Bejan does not disclose or suggest a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene.

**3. Claims 4, 6-8, 18, 20-22, 27-29, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,754,770 (Shiels).**

Claim 4 is not anticipated because Shiels does not disclose or suggest a method for structuring scene sequences that includes the following steps:

- a) providing a plurality of potentially viewable scenes to deliver an overall storyline to a viewer in a plurality of acts, each act containing potentially viewable scenes;
- (b) in at least one of the acts, presenting to the viewer alternative decisions that will determine an order in which at a subsequent act will be presented;
- (c) enabling the viewer to make one of the alternative decisions;

Shiels does not allow the viewer decision to change the order in which an act is viewed.

Figure 6 of Shiels patent, and all of the text related to it, is based on the premise that the branching narrative moves consistently from beginning toward end, albeit by different paths,

without changing the order in which acts are viewed. In Shiels Figure 6, if the video segment H to K is viewed, it will always be viewed before the segment beginning at K, never after it. The segment H to K may be reached by different decision paths (A-B-H or A-D-E-H), but the order in which any segment (act) is viewed cannot be reversed. Similarly, Shiels Figure 9 and 10 describe the ability to grab a screen sequence in a recall memory and then cause it to come up during a later sequence as a “flashback”, but this ability does not allow a player to change the order of acts. It merely allows the story to recall a portion of an act already viewed.

Moreover, Shiels does not disclose or suggest a method for structuring scene sequences that includes these steps:

- (d) in each act that can be presented in a different order, providing neutral scenes in which the content is not dependant upon the order in which the act is viewed, and providing sets of alternative scenes in which the content is dependant upon the order in which the act is viewed;
- (e) prompting the viewer to make one of the alternative decisions that will determine the order of a subsequent act;
- (f) presenting to the viewer, in the act determined by his decision, neutral scenes of the act interspersed with alternative scenes that are appropriate to the relative order in which the act is presented.

The steps (d) to (f) of claim 4 are steps of the process by which an act can be modified by alternative scenes, so that regardless of whether it is viewed earlier or later in the narrative, the insertion of the appropriate alternative scenes will make the act as a whole appear to fit naturally for the relative order in which it is viewed. While scenes H, J and K of Shiels can be reached by different decision paths, they do not contain sets of alternative scenes in which the content is dependant upon the path taken to arrive there, much less upon the order in which the acts are

viewed. Similarly, Shiels ability to grab a screen sequence after viewing it, and then recall it by choice at some later time as a memory “flashback”, is not the same or similar to providing sets of alternative scenes that can be inserted into an act to add content that is appropriate to the order in which the act is viewed.

Dependant Claim 6 is not anticipated for the same reasons as Claim 4 is not. It adds to the method of claim 4 further steps which give the ability of two or more interactive viewers to each make at least one decision that determines the order in which acts are presented. Shiels does not disclose or suggest this feature.

Claim 7 is not anticipated because Shiels does not disclose or suggest a method for structuring scene sequences that includes the steps of providing a plurality of acts and enabling the viewer to make decisions which determine the order in which the acts are viewed, much less disclose or suggest the novel steps of providing alternative connecting scenes leading into and out of the act, and inserting into the sequence the particular connecting scenes that are appropriate to the order in which the act is presented;

Dependant claim 8 is not anticipated for the same reasons as Claim 7 is not. It adds to the method of claim 7 steps which give the ability of two or more interactive viewers to each make at least one decision that determines the order in which acts are presented. Shiels does not disclose or suggest this feature.

Claim 18 is not anticipated because Shiels does not disclose or suggest an interactive entertainment comprising a plurality of potentially viewable scenes grouped as a plurality of acts, in which at least one of the acts presents to the viewer at least one set of alternative decisions that

will determine the order in which a subsequent act will be presented. Nor does Shiels disclose having both neutral scenes and sets of alternative scenes in such moveable acts, or selecting the appropriate alternative scenes from the set to make the act fit for the order in which it is viewed.

In Figure 6 of Shiels, if the segment H to K is viewed at all, it will always occur before the segment beginning at K, never after it. The segment H to K may be reached by different decision paths (A-B-H or A-D-E-H), but the order in which any segment (act) is viewed cannot be reversed. Similarly, Shiels Figure 9 and 10 describe the ability to grab a screen sequence in a recall memory and then cause it to come up during a later sequence as a “flashback”, but this ability does not allow a player to change the order of acts.

Further, acts H, J and K of Shiels do not contain sets of alternative scenes in which the content is dependant upon the path taken to arrive there, much less allow selection from a set of alternative scenes to make the act fit for the order in which it is viewed. Similarly, Shiels ability to grab a screen sequence after viewing it, and then recall it by choice at some later time as a memory “flashback”, is not the same or similar to providing sets of alternative scenes that can be inserted into an act that are content appropriate to the order in which the act is viewed.

Dependant claim 20 is not anticipated for the same reasons as claim 18, and for the further reason that it adds the claim limitation of software for presenting the act’s neutral scenes interspersed with those alternative scenes that are appropriate to the relative order in which the act is presented. Nothing in Shiels discusses changing the viewing order of acts, so the software

within Set Top Box 14 or within CPU 36 would not include any programming to control the order in which acts are presented.

Dependent Claim 21 is not anticipated for the same reasons as claim 18, and for the further reasons that it adds the limitation that the selectable-order acts have alternative connecting scenes leading into and out of the act. In Figure 6 of Shiels, either acts A-B or A-C can be viewed depending upon which decision is made at A, but neither act A-B or A-C provide alternative connecting scenes for the lead-in to the act, much less allow section of a particular alternative connecting scene that is appropriate for the order in which the act is viewed.

Dependant Claim 22 is not anticipated for the same reasons as claim 21, and for the further reason that it adds the claim limitation of the software for presenting to the viewer the connecting scenes appropriate to the order in which the act is presented. Nothing in Shiels discusses changing the viewing order of acts, so the software within Set Top Box 14 or within CPU 36 would not include any programming to control the order in which acts are presented or intersperse the appropriate connective scenes at the beginning or end of an act.

Claim 27 is not anticipated because Shiels lacks any ability to have viewer decisions that determine an order in which a subsequent act will be presented. Shiels allows viewing different acts via paths or sequence determined by decisions, but the decisions cannot change the order. It can not allow act C-K for example, to be viewed before A-B and B-C. The invention of claim 27, however, would allow those orders to be reversed. Moreover, Shiels does not provide for an act that can be presented in a different order to have neutral scenes and sets of alternative scenes in which the content is dependant upon the relative order in which the act is viewed.

The examiner writes that Shiels discloses in Figure 6 that “a user may first view act B or D”, but the use of the word “first” reveals a fundamental misperception. In Figure 6, the user can only see act B or act D. There is no “first”, just either one or the other. Shiels does not anticipate a structure in which the user can see both act B and D, much less select the order of viewing those acts.

Dependant Claim 28 is not anticipated for the same reasons as claim 27.

Dependant Claim 29 is not anticipated for the same reasons as claim 27.

Claim 31 is not anticipated because Shiels lacks does not disclose or suggest an interactive entertainment comprising a plurality of potentially viewable scenes grouped as a plurality of acts, in which at least one of the acts presents to the viewer at least one set of alternative decisions that will determine the order in which a subsequent act will be presented. Nor does Shiels does suggest having both neutral scenes and sets of alternative scenes in such moveable acts, or selecting the appropriate alternative scenes from the set to make the act fit for the order in which it is viewed.

Claim 32 is not anticipated because Shiels does not disclose or suggest a method for providing interactive entertainment which includes the steps of providing the entertainment in episodes and allowing the viewer to make alternative decisions that will determine an order in which a subsequent episode will be presented. Nor does Shiels disclose or suggests the steps of providing alternative connecting scenes leading into and out of the episode, and presenting the viewer the connecting scenes that are appropriate to the order in which the episode is presented.

Dependent claim 33 is not anticipated for the same reason as Claim 32.

Claim 34 is not anticipated because Shiels does not disclose or suggest an interactive entertainment delivered to a viewer as a plurality of periodic episodes, where the viewer can make decisions of which order the episodes are delivered; much less provide both neutral scenes sets alternative scenes in the episode where the content of the alternatives scenes in the episode is dependant upon the relative order in which the episode is viewed.

**4. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being obvious based on Bejan.**

Claims 12 and 15 are dependant, through Claim 10, from independent Claim 9. The amendment and argument showing that both Claim 9 and 10 are not anticipated by Began is previously shown in this response. Bejan does not disclose or suggest a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene. The software for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene that is appropriate based upon a particular decision made prior to the linking scene, is also not anticipated or obvious. Hence, even if it would otherwise be considered obvious to use the inventions of Claim 9 and 10 with a general purpose computer and monitor (Claim 12) or with a computer and television, the particular combination with the subject matter of Claims 9 and 10 would still be novel and not obvious.

**5. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being obvious based on Shiels.**

Claims 5 and 19 have been cancelled in response the rejection under section 112.

**6. Claims 11, 13-14, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being obvious based on Bejan and Shiels.**

Claims 11, 13-14, and 16-17 are dependant, through claim 10, from independent claim 9.

The amendment and argument showing that both Claim 9 and 10 are not anticipated by Began is previously shown in this response. Bejan does not disclose or suggest a system having one or more sets of variation scenes that introduce content that appears to be related to the consequence of a decision made before a linking scene, where each set of variation scenes is associated with a scene sequence that follows a linking scene. The software for identifying when the viewer is brought to a scene sequence that contains a set of variation scenes, and for interspersing into that scene sequence the variation scene that is appropriate based upon a particular decision made prior to the linking scene, is also not anticipated or obvious. Hence, even if it would otherwise be considered obvious to use the inventions of Claim 9 and 10:

wherein the digital video player is a set-top box and a television (13); or

wherein the digital video player is a personal video recorder and a television; (14) or

wherein the digital video player is a television having computing capability (15), or

wherein the digital video player is a cable television system (16),

the particular combination of the above elements with the subject matter of claims 9 and 10 would still be novel and not obvious.

**7. Claim 23 is rejected under 35 U.S.C. 103(a) as being obvious based on applicant's admitted prior art (AAPR), U.S. Pat. No. 6,557,173 (Hendricks), and Bejan.**

Claim 23 is currently amended .

Claim 23 is directed to some aspects of the present invention as applied to digital text or digital text and images, rather than to digital video. Hence, the content of the interactive entertainment is described as being contained in pages, rather than in scenes.

Subparts (a) though (c) are found in the prior art printed books described in paragraphs 3 to 5 of this application. The problem they generate is a proliferation of number of pages (or scenes) needed to provide different storylines through each decision point. When the printed book is the storage medium, this proliferation is a significant problem. The storage problem is lessened when the storage medium is a digital memory device, but the need to create the myriad pages needed to accommodate many decisions remains a drawback.

Subpart (d) of claim 23 provides relief from that problem by using linking pages (or scenes) to which the reader/viewer is returned regardless of the decisions at preceding points. That technique is disclosed in Best 4,305,131 and 4,445,187 and later in Bejan (which cites both Best patents), and can be used with either digital video or digital text/image. The novel aspect of Claim 23 is the combination of this prior art with the new technique of providing the storage medium with sets of variation pages, and associating each set of variation pages with a page that is readable/viewable after a linking page.

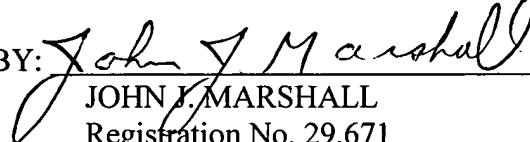
The pages within the set introduce content that appears to be related to the consequence of a particular decision prior to the linking page. Thus, when the target page is reached, the

system inserts an appropriate page from the set of variation pages so that the content appears to continue the consequence of a decision prior to the linking page. Claim 23 as currently amended includes means for enabling the viewer to make the alternative decisions, and software for selecting one or more variation pages from the set when the viewer is brought to the associated page, and for interspersing the selected pages adjacent the associated page to introduce content that appears to be related to the consequence of the particular decision.

It is submitted that the application is now in condition for allowance. If the Examiner believes that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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